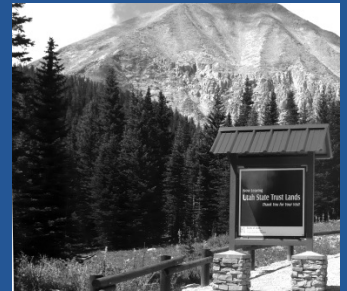


# ROAD RIGHTS OF WAY ON TRUST LANDS



# EVALUATING ROAD STATUS

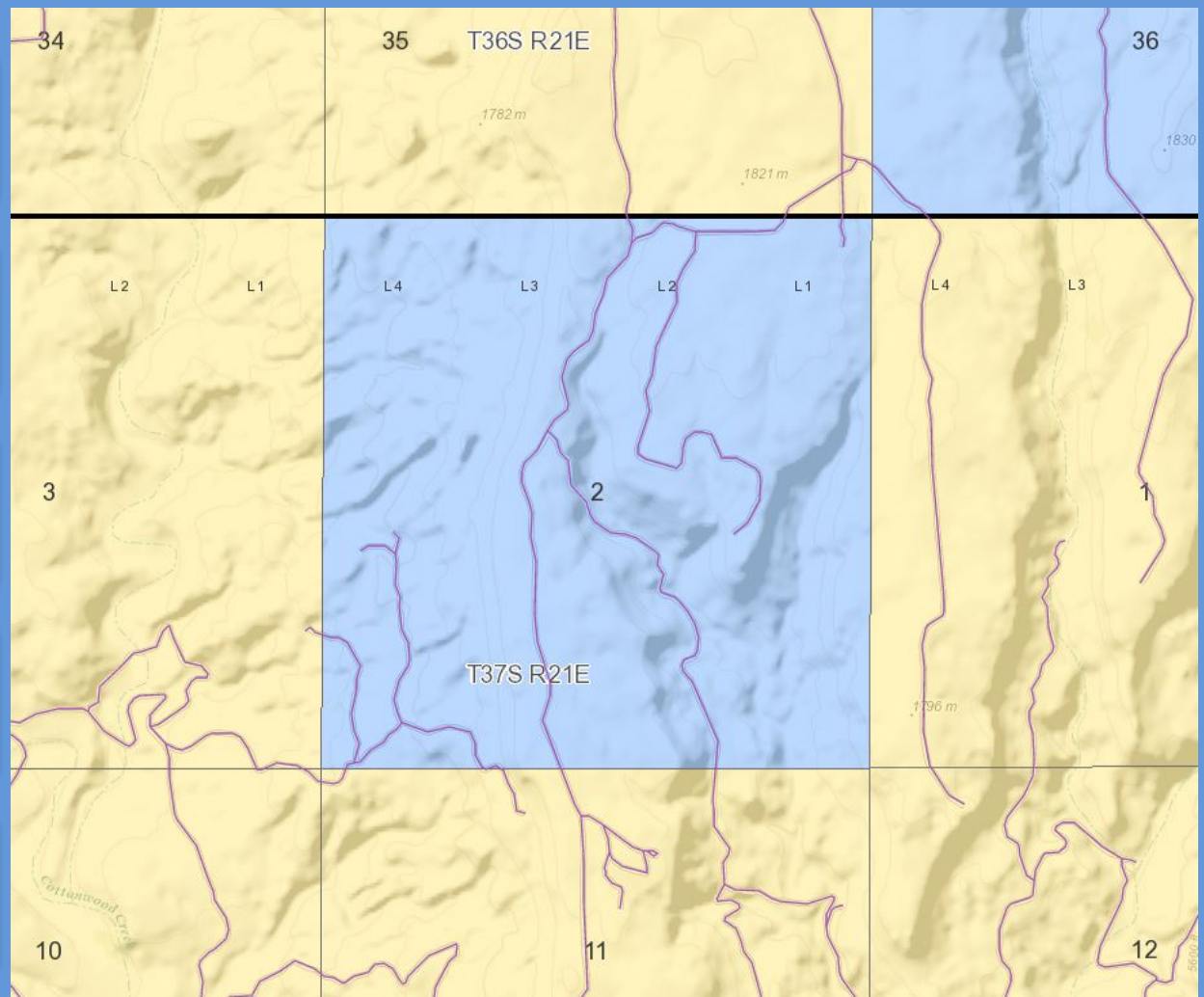
Many roads without  
express grant of  
easement

RS 2477 creates rights of  
way across federal lands

72-5-203 creates 100-  
foot wide temporary  
easement on trust lands

R850-40-250 sets rules  
for evaluating temporary  
easements

Board Policy 2006-01  
defines four road  
categories



# CATEGORY 1 ROADS

- Roads established prior to the state acquiring title to the land
- Typically are RS 2477 roads
- Disclaimer of Interest issued
- 100-foot width recognized for Class B roads, 50-foot width for Class D roads
- 72-5-302(4)(b) - an R.S. 2477 right-of-way is presumed to be at least 66 feet wide if that is the usual width of highway rights-of-way in the area

# CATEGORY 2 ROADS

- Roads established after the state acquired title to the land, but before January 1, 1992
- Have no grant of easement from the Agency, but are under temporary easement
- Permanent easements are issued where doing so will not diminish the value of the trust asset
- Easement rental typically paid through Agency's OHV fund or CIB funds



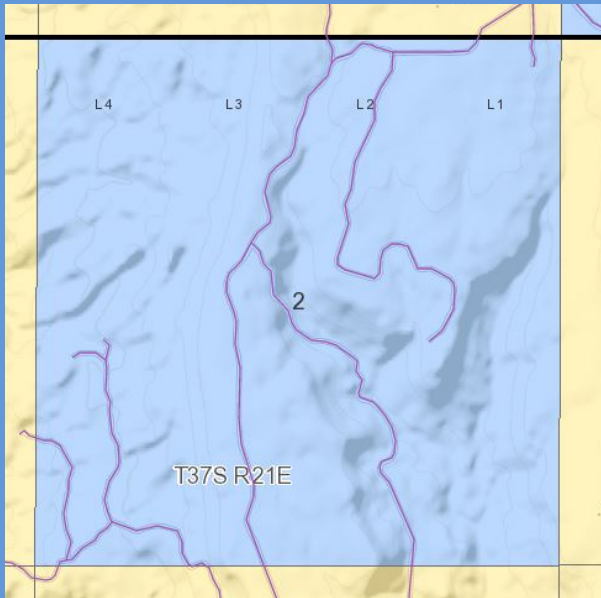
# CATEGORY 3 ROADS

- Roads established after January 1, 1992 without grant of easement from the Agency
- Legitimized through easement rule
- Trespass charges possible

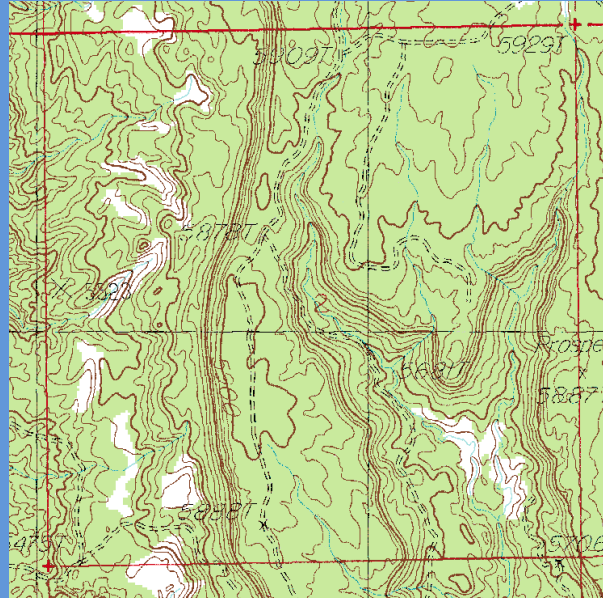
# CATEGORY 4 ROADS

- Roads with a valid grant of easement from the Agency or predecessor
- Administered pursuant to easement rule

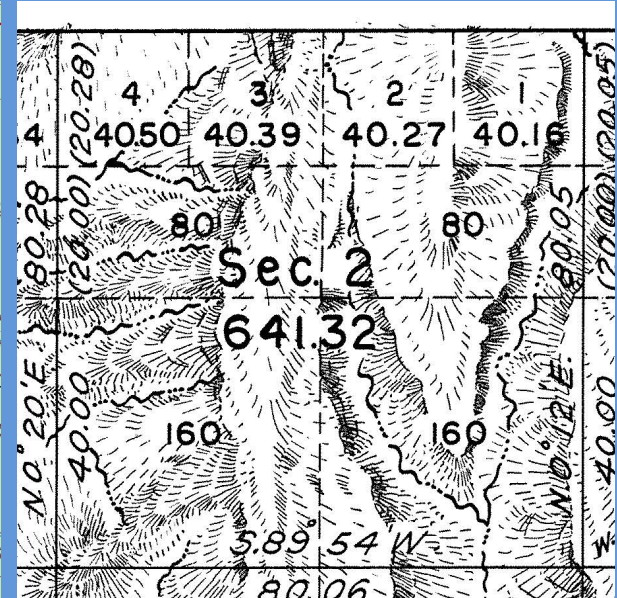
# EVALUATING ROAD STATUS



Road data collected by  
counties and AGRC



Checked against  
evidence such as topo  
maps, aerial photography



Checked against GLO  
surveys – no roads  
surveyed, easement req'd

# ROAD SPECIALIST

Too many road claims to process simultaneously with regular easements, beneficiaries go uncompensated

Road specialist position created

Easements can be processed timely

Good PR with counties

Beneficiaries are compensated

# LEGAL DESCRIPTIONS

- Must be produced by a licensed surveyor
- Counties with surveyors have offered help to those without
- Update to BLM section data currently under way
- Has created a bottleneck, but we are exploring solutions

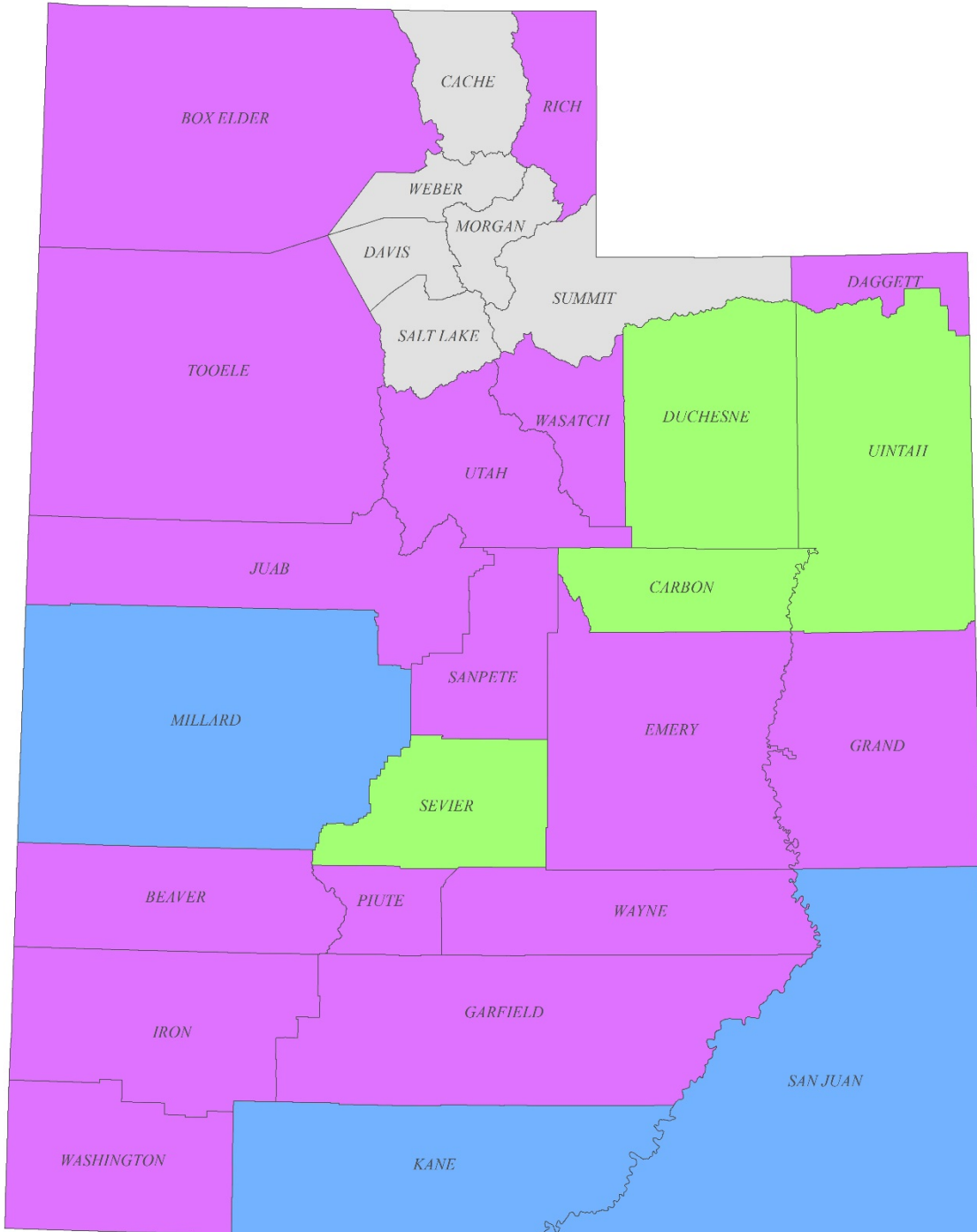
# ROAD ANALYSIS TO DATE

Class B and D  
complete

Class B complete,  
Class D pending

Class B complete,  
Class D future

Minimal roads for  
analysis



## ROAD ANALYSIS TO DATE

883 miles of  
valid, existing  
rights clarified

1,283 miles  
of easement  
roads clarified

\$3,174,548 in  
revenue since 2006